Attorney Docket No. 5218-39B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mire: Anagnostou et al. Serial No.: 09/525,797 Filed: March 15, 2000

For: METHOD OF TREATING

ENDOTHELIAL INJURY

Group Art Unit: 1642 Examiner: S. Ungar

JAN 2 2 2002

TECH CENTER 1600/2900

Date: October 19, 2001

Commissioner for Patents Washington, DC 20231

RESPONSE TO ELECTION REQUIREMENT

Sir:

In response to the requirement for election/restriction, applicant hereby elects the species (a) of administering erythropoietin simultaneously with the chemotherapeutic agent (Claims 13, 18 and 23).

This election is made without traverse upon the understanding that, upon the finding of an allowable species, examination will continue with the non-elected species until all have been rejoined and the generic claim is allowed, or a non-allowable species is found.

Applicant respectfully submits that this application is now in condition for substantive examination, which action is requested.

If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Respectfully submitted,

Kenneth D. Sibley

Registration No. 31,668

Customer Number:

20792

PATENT TRADEMARK OFFICE

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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

> **Commissioner for Patents** Washington, DC 20231

on October 19, 2001.

Date

Typed or Printed Name of Person Signing Certificate: Evelyn B. Casey

Date of Signature: October 19, 2001

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